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SAC Bot. Sec. WD

Attorney Docket No.: A-64558-1/RET/RMS/RMK

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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Contains copy of 9/25/00 papers

In re application of:)
)
) KAYYEM et al.)
)
) Serial No.: 08/873,597)
)
) Filed: June 12, 1997)
)
) For: AC METHODS FOR THE)
) DETECTION OF NUCLEIC ACIDS)

Examiner: S. Houtteman

Group: 1655

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, DC 20231 on December 28, 2000

Signed: Gail Clark
Gail Clark

PETITION UNDER 37 C.F.R. 1.181(a) TO WITHDRAW A HOLDING OF ABANDONMENT

Commissioner of Patents and Trademarks
Washington, DC 20231

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Sir:

Petitioner hereby requests that the holding of abandonment in the above-identified case be withdrawn, as outlined in M.P.E.P. §711.03(c) and C.F.R. 1.181. A copy of the Notice of Abandonment mailed on December 18, 2000 is enclosed, which states that the abandonment was due to a failure to respond to the Official Action dated March 16, 2000. However, applicants submit that a timely response was made, and therefore the abandonment was in error.

In support of this position, submitted herewith is:

- a) A copy of the amendment, filed September 18, 2000, with a certificate of mailing dated September 18, 2000;

b) A copy of the Petition for a three-month Extension of Time with authorization to charge Deposit Account No. 06-1300 for fees due, and a certificate of mailing dated September 18, 2000;

c) A copy of the Sequence Listing, including a hard copy and disk; and ,

d) a copy of the postcard received by the Patent and Trademark Office showing receipt of the above on September 25, 2000.

Accordingly, the applicants maintain that the application would not have been abandoned and a withdrawal of a holding of abandonment is requested. Applicants maintain that as of the date of the withdrawal, prosecution of the application should be reinstated and an official communication in response to the amendment filed on September 18, 2000, be forthcoming.

The Commissioner is authorized to charge any additional fees which may be required, including extension fees or other relief which may be required, or credit any overpayment to Deposit Account No. 06-1300 (Our Order No. A-64558-1/RFT/ RMS /RMK).

Dated: 12/28/00

Respectfully submitted,

FLEHR HOHBACH TEST
ALBRITTON & HERBERT LLP

By: Robin M. Silva
Robin M. Silva
Reg. No. 38,304

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1039189.RMK



**UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office**

Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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08/27/1999	08/27/99	ROBERT	1
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EXAMINER

ART UNIT	PAPER NUMBER
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DATE MAILED:

03/01/00

ROBERT
 FEDERAL BUREAU OF INVESTIGATION
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 FEDERAL BUREAU OF INVESTIGATION

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

DEA/FCE-1994

SERIAL NUMBER.	FILED DATE	12/12/00	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.
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HM1170301

ROBIN W SILVER
FLEHR HORNBACH TEST ALBRITTON & HERBERT
FOUR ENBARCADERO CENTER
SUITE 3400
SAN FRANCISCO CA 94111-4187

EXAMINER	
ROBERT TARRANT, S	
ART UNIT	PAPER NUMBER
	1856

DATE MAILED:


03/01/01

Please find below a communication from the EXAMINER in charge of this application
Commissioner of Patents

The Notice of Abandonment mailed 12/18/00 has been withdrawn.

The copy or original response filed 9/25/00 has been made of record in the file.

The application has been returned to pending status and forwarded to the examiner for consideration.



Barbara A. Frieson
Supervisory Legal Instruments Examiner
Team I



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
 Address: COMMISSIONER OF PATENTS AND TRADEMARKS
 Washington, D.C. 20231

APPLICATION NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.
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ALBERTSON & HERBERT
 4113-4117

EXAMINER

ART UNIT PAPER NUMBER

DATE MAILED:

22
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JAN 09 2001

OFFICE OF PETITIONS

NOTICE OF ABANDONMENT

This application is abandoned in view of:

Applicant's failure to timely file a proper response to the Office letter mailed on 3-16-00

A response (with a Certificate of Mailing or Transmission of _____) was received on _____, which is after the expiration of the period for response (including a total extension of time of _____ month(s)) which expired on _____.

A proposed response was received on _____, but it does not constitute a proper response to the final rejection.

(A proper response to a final rejection consists only of: a timely filed amendment which places the application in condition for allowance; a Notice of Appeal; or the filing of a continuing application under 37 CFR 1.62 (FWC).

No response has been received.

Applicant's failure to timely pay the required issue fee within the statutory period of three months from the mailing date of the Notice of Allowance.

The issue fee (with a Certificate of Mailing or Transmission of _____) was received on _____.

The submitted issue fee of \$ _____ is insufficient. The issue fee required by 37 CFR 1.18 is \$ _____.

The issue fee has not been received.

Applicant's failure to timely file new formal drawings as required in the Notice of Allowability.

Proposed new formal drawings (with a Certificate of Mailing or Transmission of _____) were received on _____.
 File A-64558-1 Atty RET/RMS
 Due Date _____

The proposed new formal drawings filed _____ are not acceptable.

No proposed new formal drawings have been received.

Type _____ Refs _____

The express abandonment under 37 CFR 1.62(g) in favor of the FWC application filed on _____.

The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.

The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a) upon the filing of a continuing application.

The decision by the Board of Patent Appeals and Interferences rendered on _____ and because the period for seeking court review of the decision has expired and there are no allowed claims.

The reason(s) below:

Scott W. Houtteman
SCOTT W. HOUTTEMAN
PRIMARY EXAMINER

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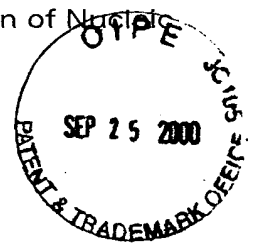
FEB 22 2001

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FLEHR HOHEACH TEST
ALBRITTON & HERBERT LLP File No. A-645⁵88-1/RFT/RMS/RMK

Applicant: KAYYEM et al.
Serial No.: 08/873,597
For: Alternating Current Methods for Detection of Nucleic Acids



Please acknowledge receipt of the enclosed

- 1. Amendment in Response to 03/16/00 OA
- 2. Petition for Extension of Time (3 Mo)
- 3. Check in the amount of \$870.00
- 4. Certificate of Mailing
- 5. Sequence Listing- Paper Copy & Disk

by imprinting the Patent Office "date stamp" hereon and returning to the addressee indicated on the reverse.

Due: 09/16/00 (Saturday) w/3-mo extn of time

Certificate of mailing: 09/18/00

RMK

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JAN 09 2001

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